

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003750

SIPDIS

E.O. 12958: DECL: 09/12/2015

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [IZ](#)

SUBJECT: SHI'A AND KURDS CONTINUE DEBATE OVER WATER

REF: BAGHDAD 3714

Classified By: Charge David Satterfield for reasons  
1.4(b) and (d)

[11](#). (C) SUMMARY. Authority over Iraq's water resources has emerged as a temporary stumbling block to concluding the draft constitution. The Kurds want a strong role for regional governments in managing water resources, while the Shi'a insist that the central government have the main authority. This water issue combined with a recent spike in Kurdish voter registrations in Kirkuk has made the Shi'a even more suspicious of Kurdish intentions. Efforts to find a compromise resolution continue. END SUMMARY.

-----  
Kurdish Counter-offer on Water  
-----

[12](#). (C) On September 10, Charge, UK AMB, and PolCouns flew to Salah Al-Din to meet with Kurdish President Masood Barzani to seek closure on remaining constitutional issues. Barzani agreed with top Shi'a Coalition official and Deputy Speaker of the Transitional National Assembly Hussein Ibrahim Saleh Al-Shahrastani that authority over water resources is the key issue. Kurdish aides to Barzani privately told PolCouns that the Kurds would not accept central government control of tributaries flowing through Kurdistan that eventually link up with the Tigris River (this includes the Diyala and Great Zab rivers). The Kurds find the August 28 text language of Articles 107 and 110 of the Constitution sufficient.

[13](#). (C) The Kurds reviewed and rejected the UN-inspired language sought by the Shia Coalition for Articles 107 and 110 that would give the central government exclusive authority, "in consultation with" regional governments over management of tributaries flowing into major rivers. After consultations with his son Masrur and his Chief of Staff, Fuad Hussayn, President Barzani agreed to put the Shia proposed text not under the exclusive authorities section 107 but rather under the shared authorities listed in Article [110](#). Both Charge and UK AMB fought back other Kurdish suggestions to edit the UN text.

-----  
Shia Coalition Initial Response - No  
-----

[14](#). (C) On September 11, Shahrastani told Charge and UK AMB that he was skeptical the Shi'a Coalition would accept this Kurdish counter proposal; the Coalition would not want the central government and the regional government to share water authorities. As before (see reftel), Shahrastani argued that with reference only in the shared authorities section, the central government would not have undisputed authority to manage the national water resources. (Comment: the Shi'a are worried that the Kurds will overuse water resources reducing the water flow to the Southern Shia' areas. End Comment.) Charge and UK AMB emphasized that the text gives central government clear input into water management. In particular, and we understand of critical importance to Ayatollah Sistani, Article 90 would give the Federal Supreme Court clear scope to settle water disputes between the central government and a regional or provincial government, or between local governments. Shahrastani understood this point but doubted it was enough for the Shi'a Coalition to waiver in their position.

[15](#). (C) Late on September 11, the Coalition held an internal meeting and according to Shi'a Coalition member Fryad Omar the Coalition rejected the Kurdish proposal to share water authority. A top Coalition member involved in constitution negotiations, Abdulhadi Al-Hakim, told PolCouns on September 12 that the Coalition members claim the Kurds are asserting too much authority over water. The Shi'a do not want to be at the mercy of the Kurds when it comes to water, he stated. PolCouns urged Shi'a to accept that the Federal Supreme Court would be able to settle any water disputes, or at least come up with a counter-proposal to quickly settle this issue. Al-Hakim agreed that it is important to finalize the text. He anticipated that the Coalition will provide a counter-proposal in a couple of days.

-----  
Water Issue Unravels Election Law Deal ?  
-----

16. (C) Shahrستاني informed Charge that Shi'a Coalition members noticed the enormous spike in voter registration in Kirkuk. They are suspicious that the Kurds plan to take unfair advantage of the Shia Coalition's agreement to use voter rolls as the basis for estimating population and thus assignment of the numbers of seats per governorate in the next assembly. He predicted that the Shia would seek instead to use population estimates extrapolated from food ration card data - something the Kurds had not wanted. Charge urged Shahrستاني to address the voter registration problem directly with the Iraqi Elections Commission. PolCouns suggested that the Elections Commission re-open the exhibition and challenges period whereby Kirkuk voters could contest the voter registry. Shahrستاني said he would take these points back to the Shi'a Coalition.

17. (U) On September 12, Pol FSNs watching from the Transitional National Assembly visitor's gallery reported that the Kurds remain steadfast in their position on water. Meanwhile, Supreme Council of Islamic Revolution in Iraq member Riyadh Abdul Al-Hamza Abdul Al-Razaq Al-Barib told Pol FSN privately September 12 that the Shi'a recognize that the water issue is the last unresolved Constitutional issue and will eventually capitulate to the Kurds allowing them regional control of water resources. He told the Assembly that were the Americans not helping the Kurds on the water issue, the Kurds would concede instead. PolFSN reported that the draft election law given to TNA members this morning includes new language that stipulates that the 230 governorate seats in the next national assembly will be assigned on the basis of population estimates extrapolated on last January's voter registry.

-----  
Comment  
-----

18. (C) We think a deal on language about authority over water resource management is achievable. Both sides accept that the central government and regional governments should have roles in managing water resources. They also accept that the future constitution cannot settle the exact limits of the authority here of the central and regional governments. Neither side is seeking clear definition of those limits. Creative language can probably paper over the real concerns and finalize the text. Like everything else in these constitution negotiations, however, this will take a little time.  
Satterfield